

REMARKS

Claims 6, 15, 19, 23, 28, 33 and 34 have been amended for clarification purposes and claims 20, 21, 22, 24, 29, 30 and 35 have been canceled. These amendments are not intended to narrow the scope of these claims. The claims have been rewritten to place them in better form for examination and to further obviate the 35 U.S.C. §112 rejections set forth in the Office Action dated March 26, 2002. It is believed that none of these amendments constitute new matter. Withdrawal of these rejections is requested.

Applicant acknowledges the requirement for a deposit of biological material. Upon allowance of the claims in this application, the deposit will be made with American Type Culture Collection.

The Examiner has rejected claims 6, 15-24, 28-30 and 33-35 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, claim 6 is rejected as indefinite in the recitation of "wherein the plant is male sterile". Applicant has amended claim 6 for clarification purposes.

Claim 15 is rejected for the recitation of "different corn plant". Applicant has amended claim 15 for clarification purposes.

Claims 19-24 are rejected for the recitation of "MNI1-derived corn". Applicant submits that a person of ordinary skill in the plant breeding art can readily use the corn line of the present invention and the method of claim 19 to produce corn plants. Claim 19 has been amended and claims 20, 21, 22 and 24 have been canceled. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, 24, 30 and 35 are rejected as indefinite for several relative terms lacking a comparative basis. Applicant has canceled claims 20, 22, 24, 30 and 35.

Claim 23 is rejected for clarification. Applicant has amended claim 23 as suggested by the Examiner.

Claim 28 is rejected as indefinite for failing to recite proper method steps. Applicant has amended claim 28.

Claim 29 is rejected as indefinite in the recitation of "The corn plant breeding program of claim 28". Applicant has canceled claim 29.

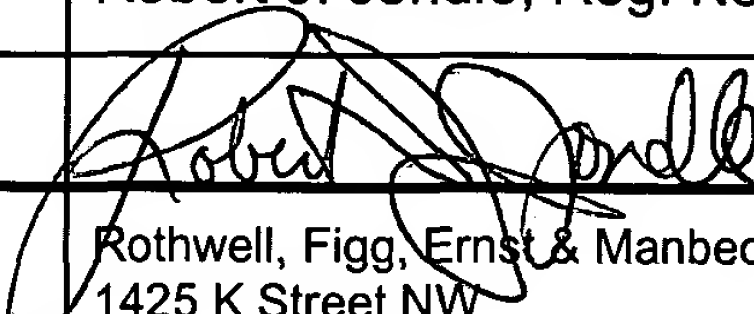
Claims 33 and 34 are rejected as indefinite in the recitation of "The single gene conversion of the corn plant of claim 31". Claims 33 and 34 have been amended as suggested by the Examiner. Applicant respectfully requests withdrawal of these rejections. The Examiner has rejected claims 22, 24, 30 and 35 under 35 U.S.C. §112, first paragraph. Applicant has canceled claims 22, 24, 30 and 35. Withdrawal of this rejection is respectfully requested.

Claims 22, 24, 30 and 35 have been rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Piper et al. (U. S. Patent 5,844,116). Applicant has canceled claims 22, 24, 30 and 35. Withdrawal of this rejection is respectfully requested.

Claims 1-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Piper et al., (U. S. Patent 5,844,116). Applicant submits that there are numerous differences between the '116 patent and the present invention. Some of the differences include the maturity: from emergence to 50% of plants in silk the present invention is 64 days and 1491 heat units versus the maturity of the '116 invention is 73 days and 1288 heat units. The maturity from emergence to 50% of plants in pollen the present invention is 62.5 days and 1450 heat units versus the maturity of the '116 invention being 74 days and 1320 heat units. Both the plant and ear height of the two varieties are considerably different. The present invention has a plant and ear height of 244.45 cm and 61.95 cm respectively while the '116 invention has a plant and ear height of 196.5 cm and 78.5 cm. Additionally, the silk color of the two plants are light green for the present invention and red for the '116 patent. In light of the many differences between these two plants, Applicant respectfully requests withdrawal of this rejection.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. §112 and is not obvious over the prior art. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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Attachments: Marked-Up Copies of Claims

AMENDED CLAIMS - Version with markings to show changes made

Please cancel claims 20, 21, 22, 24, 29, 30 and 35.

Please amend claims 6, 15, 19, 23, 28, 33 and 34 as shown below:

6. (AMENDED) The corn plant of claim 2, wherein said plant ~~is male sterile~~ further comprises a genetic factor conferring male sterility.

15. (AMENDED) A method for producing a hybrid corn seed comprising crossing ~~an~~ the inbred plant according to claim 2 with another, ~~different~~ corn plant.

19. (AMENDED) A method for producing a MNI1-derived corn plant, comprising:

- a) crossing inbred corn line MNI1, a sample of seed of said line having been deposited under ATCC accession number _____, with a second corn plant to yield progeny corn seed; ~~and~~
- b) growing said progeny corn seed, under plant growth conditions, to yield said MNI1-derived corn plant;
- c) crossing said MNI1-derived corn plant with itself or another corn plant to yield additional MNI1-derived progeny corn seed;
- d) growing said progeny corn seed of step (c) under plant growth conditions, to yield additional MNI1-derived corn plants; and
- e) repeating the crossing and growing steps of (c) and (d) from 0 to 7 times to generate further MNI1-derived corn plants.-

23. (AMENDED) The method of claim 19, ~~still~~ further comprising utilizing plant tissue culture methods to derive progeny of said MNI1-derived corn plant.

28. (AMENDED) A method for developing a corn plant in a corn plant breeding program using plant breeding techniques which include employing a corn plant, or its parts, as a source of plant breeding material comprising: using the corn plant, or its parts, of claim 2 as a source of said breeding material and wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

33. (AMENDED) ~~The~~ A single gene conversion of the corn plant of claim 31, where the gene is selected from the group consisting of: a ~~transgenic gene~~ transgene, a dominant allele, and a recessive allele.

34. (AMENDED) ~~The~~ A single gene conversion of the corn plant of claim 31, where the gene confers a characteristic selected from the group consisting of: herbicide resistance, insect resistance, resistance to bacterial, fungal, or viral disease, male sterility, corn endosperm, and improved nutritional quality.